

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

PLATINUM PARTNERS VALUE ARBITRAGE FUND L.P.
(IN OFFICIAL LIQUIDATION), et al.,

Chapter 15

Debtors in Foreign Proceedings.

Case No. 16-12925 (JPM)

PLATINUM PARTNERS VALUE ARBITRAGE FUND L.P.,

(Jointly Administered)

Plaintiff,

Adv. Pro. No. 18-01650

-VS-

**DEFENDANT'S NOTICE
OF MOTION FOR
MODIFICATION**

MICHAEL M. GOLDBERG,

Defendant.

PLEASE TAKE NOTICE THAT, upon and the Decision and Order on Cross-Motions for Summary Judgment, entered May 10, 2022 (the "Decision and Order"), and upon the Affirmation of Mark R. Kook, dated March 1, 2023, and all exhibits attached thereto, and upon Defendant's Memorandum of Law, and all prior pleadings submitted herein, Defendant Dr. Michael Goldberg, by and through the undersigned counsel, will move this Court on a date to be selected by the Court before the Honorable John P. Mastando III, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York, for an Order, pursuant to Fed. R. Bkcy. P. 7054, Fed. R. Bkcy. P. 9024 and the Court's inherent powers, Modifying the Decision and Order, including vacating the granting of Partial

Summary Judgment on the issue of liability to Plaintiff Platinum Partners Value Arbitrage Fund L.P.; and for such other relief the Court deems proper.

PLEASE TAKE FURTHER NOTICE THAT, upon the Court selecting a return date for this Motion, the parties will submit a briefing schedule to be approved by the Court.

Dated: March 1, 2023

LAW OFFICE OF MARK R. KOOK

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